

Message Text

UNCLASSIFIED

PAGE 01 MONTER 00972 01 OF 05 172004Z

41

ACTION SCSE-00

INFO OCT-01 ARA-10 ISO-00 SCA-01 L-03 H-02 SS-15 NSC-05

DHA-02 SP-02 CIAE-00 INR-07 NSAE-00 /048 W

----- 074241

P 171515Z DEC 75

FM AMCONSUL MONTERREY

TO SECSTATE WASHDC PRIORITY 2165

INFO AMEMBASSY MEXICO PRIORITY

UNCLAS SECTION 1 OF 5 MONTERREY 0972

E.O. 11652: N/A

TAGS: CASC, MX

SUBJ: COMMENTS ON AMERICAN PRISONER SITUATION IN CONSULAR DISTRICT
MONTERREY

REF: STATE 267921

AS REQUESTED BY REFTTEL, CONGEN COMMENTS VARIOUS SUBJECTS AS FOLLOWS:

1. NOTIFICATION HAS IMPROVED DURING PAST SEVERAL MONTHS PARTLY DUE TO EMBASSY'S EFFORTS, SUCH AS TELEGRAM FROM ATTORNEY GENERAL OF MEXICO, AND PARTLY DUE OUR LOCAL EFFORTS, SUCH AS CIRCULATION APPLICABLE PARTS BILATERAL AND VIENNA CONVENTIONS AND REPEATED PROTESTS REGARDING LACK NOTIFICATION. WE BELIEVE THAT BEST APPROACH IS FOR POST CONTINUE HAMMER AWAY AT LOCAL LEVEL, BACKED UP, WHEN APPROPRIATE, BY EMBASSY EFFORTS AT HIGHER FEDERAL LEVEL. DESPITE CONTINUING EFFORTS, NOTIFICATION WILL ALWAYS REMAIN PROBLEM TO SOME DEGREE. FOR EXAMPLE, IF FEDERAL POLICE DETAIN AMERICAN ON CHARGES CONTRABAND WEAPONS, WHICH IS HIGHLY SENSITIVE SUBJECT, WE SUSPECT THAT NOTIFICATION WILL BE SLOW SINCE AUTHORITIES WILL WANT TIME EXTRACT ALL POSSIBLE INFORMATION BEFORE AMERICAN CAN SEE CONOFF AND BE INFORMED OF HIS RIGHTS UNDER MEXICAN LAW. SAME SITUATION WOULD APPLY TO NARCOTICS CASE WHICH MIGHT INVOLVE OTHERS THAN DETAINED AMERICAN. ANOTHER PROBLEM IS DISTANCE AND SLOW COMMUNICATIONS. FOR EXAMPLE, FEDERAL PROSECUTOR IN TAMPICO RECENTLY INFORMED US OF ARREST ON PROMPT BASIS, BUT BY TELEGRAM WHICH TOOK SEVERAL DAYS TO REACH US. IN THIS REGARD, PROMPT

UNCLASSIFIED

UNCLASSIFIED

PAGE 02 MONTER 00972 01 OF 05 172004Z

APPOINTMENT CONSULAR AGENTS CANNOT BE STRESSED TOO MUCH.

NOTIFICATION

WORKS BEST WHEN THERE IS PERSON ON SPOT TO BE NOTIFIED AND WHO CAN REINFORCE NECESSITY OF PROMPT NOTIFICATION. ANOTHER PROBLEM IS INEFFICIENCY OF GOM'S COMMUNICATIONS; I.E., INSTRUCTIONS FROM ABOVE DO NOT ALWAYS SEEP DOWN TO ARRESTING OFFICIALS AND JAILERS IN BOONDOCK AREAS. CLOSE PERSONAL CONTACT AND RAPPORT WITH GOM OFFICIALS HAS PROVED VERY HELPFUL IN MOST CASES.

2. ACCESS HAS NOT RPT NOT BEEN PROBLEM OUR CONSULAR DISTRICT FOR PAST YEAR. PROSECUTORS AND POLICE HAVE LEARNED THAT WE WANT IMMEDIATE ACCESS AND THAT WE ARE PREPARED MAKE ISSUE OF IT. HOWEVER, SINCE CONOFF WILL INFORM DETAINED AMERICAN OF RIGHTS, INCLUDING RIGHT TO ATTORNEY, AND WILL ATTEMPT TO GET ATTORNEY TO AMERICAN SOONEST, SOME MEXICAN AUTHORITIES NOT KEEN ON NOTIFYING US PROMPTLY. DESPITE MEXICAN CONSTITUTIONAL GUARANTEE THAT NO ONE MAY BE HELD INCOMMUNICADO AND EVERYONE HAS RIGHT TO ATTORNEY FROM MOMENT OF DETENTION, THESE GUARANTEES OFTEN IGNORED BY PROSECUTORS AND POLICE. SINCE VIOLATION CONSTITUTIONAL RIGHTS DOES NOT NECESSARILY THROW OUT CASE UNDER CIVIL LAW, WE BELIEVE THESE GUARANTEES WILL CONTINUE BE VIOLATED. AGAIN WE WISH STRESS DESIRABILITY OF HAVING CONSULAR AGENTS IN OUTLYING CITIES CONSULAR DISTRICT. PRIME CONSUMER MANPOWER THIS POST, AS AT MOST OTHER MEXICAN POSTS, IS VISA ISSUANCE. IT IS OFTEN DIFFICULT BREAK LOOSE OFFICER ON MOMENT'S NOTICE FROM HORDES VISA APPLICANTS TO VISIT NEWLY DETAINED AMERICAN 300 PLUS MILES FROM MONTERREY WITH NO AIR TRANSPORTATION AVAILABLE. CONSULAR AGENTS WOULD BE JOHNNY-ON-THE-SPOT WHO COULD GAIN IMMEDIATE ACCESS, AND WITH LOCAL CONTACTS, COULD USE IF EFFECTIVELY. TO INSURE PROMPT NOTIFICATION AND IMMEDIATE ACCESS, DEPT SHOULD MOVE QUICKLY ON ESTABLISHING CONSULAR AGENTS, A PROPOSAL NOW MONTHS OLD.

3. SUBSTANTIATED CASES OF MISTREATMENT AT TIME ARREST HAVE LESSENED CONSIDERABLY DURING PAST MONTHS, AGAIN DUE LARGELY TO CONGEN'S INTENSIFIED VIGILANCE AND REPEATED PROTESTS, BACKED BY EMBASSY EFFORTS WHEN NEEDED. BASIC PROBLEM IS THAT MEXICAN TRADITION AND CULTURE FOR CENTURIES HAVE CONDONED ROUGH TREATMENT OF PRISONERS, AND POLICE OFFICIALS ARE NEITHER SKILLED IN INTERROGATION TECHNIQUES NOR POSSESSED OF MUCH PATIENCE. WHILE PROTESTS WILL NOT ENSURE MODEL TREATMENT ALL AMERICANS DETAINED, WE BELIEVE THAT THEY HAVE VALUE BECAUSE BY NOW POLICE HAVE LEARNED THAT UNCLASSIFIED

UNCLASSIFIED

PAGE 03 MONTER 00972 01 OF 05 172004Z

MISTREATMENT WILL BRING ON BOTH ORAL AND WRITTEN PROTESTS. BEST DETERRENT TO MISTREATMENT IS CONTINUED VIGILANCE AND WILLINGNESS PURSUE SUCH ALLEGATIONS, IF PLAUSIBLE, ON VIGOROUS BASIS. WITH THE INCREASED INTEREST IN THE U.S. ABOUT DETAINED AND IMPRISONED U.S. CITIZENS IN MEXICO, LATTER HAVE RECENTLY TENDED TO FALSIFY AND EXAGGERATE THEIR MISTREATMENT TO GAIN ATTENTION AND SYMPATHY OR FOR LEGAL ADVANTAGES. MISTREATMENT IN PRISON IS RELATIVELY RARE, THOUGH CONDITIONS IN SOME PRISONS ARE DEPLORABLE, E.G., PIEDRAS

NEGRAS. WE HAVE PROTESTED THESE CONDITIONS AT ALL LEVELS AND HOPEFULLY THE SITUATION WILL BE PARTIALLY RESOLVED BY THE TRANSFER OF SOME U.S. PRISONERS EARLY NEXT YEAR TO THE NEW, MODERN FACILITY AT SALTILLO.

4. PROGRESS HAS BEEN MADE CONCERNING CONFISCATION OF MONEY AND PERSONAL PROPERTY, BUT MORE NEEDS TO BE DONE.. AUTOMOBILES IN WHICH NARCOTICS WERE CARRIED NO LONGER ARE BEING AUTOMATICALLY CONFISCATED. SOME ARE BEING RETURNED TO RIGHTFUL OWNERS. PERSONAL PROPERTY, UNLESS IT IS EVIDENCE IN CASE, IS ALSO BEING RETURNED, SOMETIMES AFTER REPEATED CONOFF INQUIRIES. EMBASSY MAY WISH RAISE WITH APPROPRIATE FEDERAL AUTHORITIES DESIRABILITY OF RECEIPT SYSTEM AS BEING IN INTEREST MEXICAN POLICE AS WELL AS PRISONER. IN EVENT OF MISSING PROPERTY, SIGNED RECEIPT WOULD ESTABLISH RECORD OF WHAT WAS SEIZED. AT MOMENT, PROBLEM OFTEN IS THAT STORAGE IS INFORMAL AT BEST AND SUBSEQUENT TO FACT IT IS PRISONER'S MEMORY AGAINST THAT OF DETAINING OR ARRESTING AUTHORITY, OFTEN WITH SEVERAL MEXICAN AGENCIES INVOLVED.

5. DURING FIRST CONOFF VISIT WITH DETAINED OR ARRESTED AMERICAN, WE CLEARLY STATE WHAT WE CAN DO AND WHAT WE CANNOT DO. WE ALSO GIVE PRISONER COPY FACT SHEET PREPARED BY EMBASSY. PRISONER POPULATION OUR DISTRICT UNDERSTANDS THAT CONGEN STRIVES OBTAIN FAIR AND HUMANE TREATMENT, BUT THAT WE CANNOT OBTAIN LIBERTY FOR THEM. RELATIVES ALSO HAVE ACCEPTED OUR LIMITATIONS AND UNREASONABLE REQUESTS ARE LESS FREQUENT THAN ONE YEAR AGO.
LAMBERT

UNCLASSIFIED

NNN

UNCLASSIFIED

PAGE 01 MONTER 00972 02 OF 05 172017Z

41

ACTION SCSE-00

INFO OCT-01 ARA-10 ISO-00 SCA-01 L-03 H-02 SS-15 NSC-05

DHA-02 SP-02 CIAE-00 INR-07 NSAE-00 /048 W

----- 074337

P 171545Z DEC 75

FM AMCONSUL MONTERREY

TO SECSTATE WASHDC PRIORITY 2166

INFO AMEMBASSY MEXICO PRIORITY

UNCLAS SECTION 2 OF 5 MONTERREY 0972

6. DURING FIRST CONOFF VISIT WE ALSO DISCUSS MEXICAN LEGAL SYSTEM IN GENERAL TERMS AND EMPHASIZE THAT AMERICAN LEGAL CONCEPTS DO NOT NECESSARILY APPLY TO MEXICO. NEW PRISONERS ARE ALSO EDUCATED QUICKLY BY FELLOW PRISONERS AS TO SYSTEM AND WHAT THEY CAN EXPECT.

7. EXTORTION AT TIME OF ARREST AND IN PRISON IS NOT RPT NOT PROBLEM OUR CONSULAR DISTRICT. WHILE IT HAS OCCURED, IT IS RARE AND DOES NOT FOLLOW ANY PATTERN. IN ONE CASE, WOULD-BE EXTORTIONERS WERE THEMSELVES ARRESTED BY POLICE OFFICIALS IN ANOTHER JURISDICTION.

8. MEXICAN JUDGE ONCE REMARKED TO CONOFF THAT GREATEST PENALTY FACED BY ARRESTED AMERICAN IN MEXICO WAS HIS OWN ATTORNEY. WHILE EVERY COUNTRY HAS ATTORNEYS WHO PROMISE MUCH AND DO LITTLE, A LARGE NUMBER OF MEXICAN ATTORNEYS SEEM TO HAVE HIGH MONETARY NEEDS BUT LITTLE ENERGY AND ETHICS. MOST AMERICANS BILKED OUR DISTRICT HAVE IGNORED OUR LAWYERS' LIST AND HIRED ATTORNEY OF LITTLE REPUTE IN HOPE THAT HE CAN PURCHASE THEIR FREEDOM QUICKLY. WHILE SOME ATTORNEYS HAVE RIGHT CONNECTIONS, MOST DO NOT, AND MONEY DISAPPEARS. ONE POSSIBLE SOLUTION WOULD BE TO HAVE SEPARATE ATTORNEY LIST FOR NARCOTICS CASES, WITH NAMES OF THOSE WILLING HANDLE SUCH CASES AND RANGE OF FEES. WHILE WE HAVE WANTED TO DO THIS SOME TIME, PRESENT STAFF LIMITATIONS HAVE NOT ALLOWED SUFFICIENT TIME PREPARE SUCH LIST. TO DATE WE HAVE HAD LITTLE SUCCESS IN COUNTERING OR OBTAINING REDRESS IN LAWYER BILKING CASES DESPITE UNCLASSIFIED

UNCLASSIFIED

PAGE 02 MONTER 00972 02 OF 05 172017Z

RAISING MATTER AT HIGH LEVEL.

9. SOME OF OUR PRISONERS CLAIM THAT MEXICANS DRAW SHORTER SENTENCES FOR SAME DRUG OFFENSES THAN DO AMERICANS. DESPITE THIS CLAIM, WHEN PRESSED FOR DETAILS, AMERICAN PRISONERS HAVE BEEN UNABLE TO PROVIDE SPECIFIC NAMES AND CASES. SINCE WE DEAL ONLY WITH AMERICAN PRISONERS, WE HAVE LITTLE BASIS FOR COMPARISON. ONE INFORMED LOCAL SOURCE, WITH EXPERIENCE IN MATTER, BELIEVES THAT UNDER PRESENT LAW, WHICH DICTATES MINIMUM SENTENCE OF FIVE YEARS AND THREE MONTHS, MEXICANS AND AMERICANS RECEIVE EQUAL TREATMENT WHEN SENTENCED. WE KNOW OF NO CASE INVOLVING BOTH A MEXICAN AND AN AMERICAN IN WHICH THE AMERICRECEIVED A STIFFER SENTENCE THAN DID THE MEXICAN.

10. MEDICAL AND DENTAL TREATMENT DEPENDS LARGELY ON FACILITIES OF PRISON OR JAIL, AVAILABILITY OF RESOURCES, AND ATTITUDE THOSE IN CHARGE. RECENTLY THERE HAS BEEN MARKED IMPROVEMENT IN OUR DISTRICT. AS RESULT OUR CONTINUED COMPLAINTS AND ENTREATIES OVER PERIOD OF MONTHS, TORREON PENITENTIARY NOW HAS DENTAL STUDENT ON DUTY WHO TREATS PRISONERS DENTAL PROBLEMS ON NO FEE BASIS. AT PIEDRAS NEGRAS, WHERE SUCH CARE WAS VIRTUALLY NONEXISTENT,

MAYOR OF CITY, AFTER REPEATED PUSHING BY CONGEN, HAS ASSUMED RESPONSIBILITY FOR MEDICAL AND DENTAL CARE OF AMERICAN PRISONERS. AT MOMENT, NO RPT NO AMERICAN PRISONERS OUR DISTRICT NOW COMPLAINING LACK SUCH TREATMENT.

11. WE VISIT ALL AMERICAN PRISONERS ON MONTHLY BASIS AND SHALL CONTINUE TO DO SO UNTIL INSTRUCTED OTHERWISE. WE BELIEVE THAT MONTHLY VISITS NOT NEC SSARY OR EVEN DESIRABLE TO ALL PRISONS WHERE U.S. CITIZENS DETAINED. AT SAN LUIS POTOSI AND TAMPICO WE HAVE ONE PRISONER AT EACH INSTITUTION. THESE MEN ARE SAVVY, HAVE SPECIAL PRIVILEGES AND WE CAN DO NOTHING FOR THEM EXCEPT CHAT WITH THEM FOR A HALF HOUR OR SO. TO VISIT THEM MONTHLY IS A WASTE OF SCARCE OFFICER TIME. AT OTHER PRISONS, E.G. SALTILLO, PIEDRAS NEGRAS, WHERE PROBLEMS EXIST, MONTHLY VISITS ARE NECESSARY. ALL OUR PRISONERS CAN EITHER WRITE OR TELEPHONE US IF ASSISTANCE FROM OUTSIDE IS NECESSARY. WE BELIEVE THAT VISITS ON BIMONTHLY BASIS EXCEPT WHERE SPECIAL PROBLEMS EXIST, WOULD BE EQUALLY BENEFICIAL TO PRISONERS AND ALLOW CONOFF MORE TIME ATTEND OTHR CONSULAR MATTERS. HERE AGAIN, THE APPOINTMENT OF CONSULAR AGENTS WOULD HELP RESOLVE OUR PROBLEM.
UNCLASSIFIED

UNCLASSIFIED

PAGE 03 MONTER 00972 02 OF 05 172017Z

12. MISTREATMENT OF U.S. VISITORS TO PRISONS OUR DISTRICT HAS NOT RPT NOT BEEN ALLEGED. PRISONS RULES USUALLY DO NOT PERMIT WOMEN WEARING PANT SUITS TO ENTER PENITENTIARY. WOMEN SO DRESSED ARE TURNED AWAY, BUT IF THEY RETURN WEARING A DRESS THEY ARE ADMITTED.
LAMBERT

UNCLASSIFIED

NNN

UNCLASSIFIED

PAGE 01 MONTER 00972 03 OF 05 172039Z

73
ACTION SCSE-00

INFO OCT-01 ARA-10 ISO-00 SCA-01 L-03 H-02 SS-15 NSC-05

DHA-02 SP-02 CIAE-00 INR-07 NSAE-00 /048 W

----- 074577

P 171615Z DEC 75

FM AMCONSUL MONTERREY
TO SECSTATE WASHDC PRIORITY 2167
INFO AMEMBASSY MEXICO PRIORITY

UNCLAS SECTION 3 OF 5 MONTERREY 0972

13. ALTHOUGH MEXICAN CONSTITUTION GUARANTEES THAT THOSE DETAINED FOR SERIOUS OFFENSES WILL BE TRIED WITHIN YEAR OF ARREST, AMERICAN PRISONERS OUR DISTRICT OFTEN SPEND UP TO 18 MONTHS IN DETENTION BEFORE JUDGMENT. PROBLEM OFTEN IS THAT DEFENSE ATTORNEY DELINQUENT IN PRESENTING ALL NECESSARY PAPERS FOR ARRESTEE'S DEFENSE, OR THAT JUDGE HAS OVERLOADED DOCKET OR IS DISORGANIZED. ATTORNEYS OFTEN PURPOSELY DELAY CASE AS A DEFENSE TACTIC. WE INFORM PRISONERS WHEN THEY PASS 12 MONTHS STAGE THAT THEIR NAME CAN BE SENT TO FONOFF BY EMBASSY IF THEY WISH. SOME ELECT TO DO SO, OTHER FEEL IT BETTER WAIT AND NOT PUSH JUDGE. WE ALSO BRING ATTORNEY INTO THIS DECISION- MAKING PROCESS, ALTHOUGH BASIC DECISION IS THAT OF PRISONER CONCERNED. WE HAVE BEEN INFORMED RECENTLY THAT PRISONER IN SUCH SITUATION HAS RIGHT PLACE AN AMPARO TO FORCE DELINQUENT JUDGE DICTATE JUDGMENT IMMEDIATELY. EMBASSY OR DEPT MAY WISH CHECK THIS. IF SO, IT MAY BE PREFERABLE SOME CASES RATHER THAN CIRCUITOUS FONOFF ROUTE.

14. ALTHOUGH MOST APPEALS JUDGES IN MONTERREY DISTRICT DO NOT GIVE FIANZA TO AMERICANS ARRESTED ON DRUG CHARGES, SEVERAL CASES APPEALED AT GUADALAJARA HAVE BEEN SUCCESSFUL. IN MONTERREY, PRISONERS ARRESTED ON CHARGES OTHER THAN DRUGS HAVE BEEN SUCCESSFUL RECENTLY IN SECURING RELEASE UNDER FIANZA.

15. COMMISSIONED WORK IS AVAILABLE AT MONTERREY AND DURANGO AND WILL BE AVAILABLE AT SALTILLO WHEN NEW PENITENTIARY IS OPENED THERE. ACCORDING TO PENITENTIARY AND JAIL DIRECTOR AT PIEDRAS NEGRAS,
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 MONTER 00972 03 OF 05 172039Z

CREDIT FOR COMMISSIONED WORK/GOOD BEHAVIOR IS GIVEN AT PIEDRAS NEGRAS IF PRISONER BEHAVES WELL DESPITE FACT THAT NO RPT NO WORK AVAILABLE THERE. AT PENITENTIARIES IN TORREON, TAMPICO AND SAN LUIS POTOSI COMMISSIONED WORK IS UNAVAILABLE. OR EXPERIENCE WITH CREDIT DUE AND EARLY RELEASE IS THAT PENITENTIARY TALLY USUALLY AGREES WITH PRISONER'S ESTIMATE. PROBLEM IS THAT PENITENTIARY IS OFTEN SLOW IN REPORTING ESTABLISHED CREDIT. THIS PROBLEM DISCUSSED AT RECENT CONSULAR CONFERENCE. CONGEN, THROUGH EMBASSY, IS NOW ASSISTING PRISONERS IN PREPARING REQUEST FOR RELEASE UNDER COMMISSIONED WORK/GOOD BEHAVIOR PROGRAM SEVERAL MONTHS IN ADVANCE SO THAT THERE WILL BE SUFFICIENT TIME FOR NECESSARY PAPERWORK, BE TRANSMITTED TO MEXICO CITY.

16. WHILE ACTION ON APPEALS WOULD HAVE TO BE STUDIED ON CASE BY CASE BASIS, WE BELIEVE APPEALS JUDGES PERFORM EFFECTIVELY

IF SLOWLY. TWO AMERICAN PRISONERS RECENTLY HAD SENTENCES REDUCED ON APPEAL, AND ANOTHER HAD CASE REMANDED TO DISTRICT COURT FOR RETRIAL. SINCE APPEALS ARE TIME CONSUMING, SOME PRISONERS BELIEVE THEY CAN OBTAIN LIBERTY EARLIER THROUGH COMMISSIONED WORK/GOOD BEHAVIOR PROGRAM, IF AVAILABLE, THAN THROUGH SERIES OF APPEALS.

17. DURING PAST TWO YEARS, WE HAVE NOT RPT NOT HAD CASE IN WHICH WE BELIEVED AMERICAN PRISONER INNOCENT AND WHO WAS SENTENCED. OUR EXPERIENCE HAS BEEN THAT WHILE MEXICAN JUSTICE WORKS SLOWLY, AND OCCASIONALLY DICTATES EXCESSIVE SENTENCES IN RELATION TO OFFENSE COMMITTED, IT DOES WORK FAIRLY IN TERMS MEXICAN SOCIETY AND NORMS. IF WE HAD CASE IN WHICH WE BELIEVED THERE WAS TO BE MISCARRIAGE JUSTICE, WE WOULD DO EVERYTHING SHORT DIRECT VIOLATION OUR CONSULAR STATUS IN MEXICO TO ATTEMPT RECTIFY MATTER. BASED ON OUR EXPERIENCE, EARLIEST ACTION IS BEST. ONCE SENTENCE IS DICTATED, IT WOULD BE DIFFICULT TO RECTIFY MATTER. BEST METHOD OF HANDLING SUCH CASE WOULD BE MEXICAN METHOD, THAT IS, THROUGH CONTACTS AND ON PERSONAL BASIS.

18. SINCE DATE OF MEXICAN ATTORNEY GENERAL'S TELEGRAM REGARDING IMMEDIATE NOTIFICATION, FEDERAL DISTRICT ATTORNEYS IN TAMPICO AND DURANGO HAVE COMPLIED. THERE HAVE BEEN NO FEDERAL ARRESTS IN SAN LUIS POTOSI, TORREON, SALTILLO OR PIEDRAS NEGRAS SINCE TELEGRAM SENT. THERE HAVE BEEN THREE FEDERAL CASES IN MONTERREY SINCE THAT DATE, BUT IN EACH INSTANCE WE LEARNED OF ARREST QUICKLY UNCLASSIFIED

UNCLASSIFIED

PAGE 03 MONTER 00972 03 OF 05 172039Z

THROUGH OTHER SOURCES. WE WERE NOT RPT NOT NOTIFIED BY FEDERAL REGIONAL COORDINATOR IN THESE THREE CASES, BUT IT MAY BE THAT HE KNEW WE HAD ALREADY BEEN INFORMED. WE SUSPECT THAT WE WILL HAVE TO PROTEST FUTURE CASE VIGOROUSLY BEFORE NOTIFICATION BECOMES EFFECTIVE IN MONTERREY.

19. IN DEALING WITH PRISONERS AND THEIR FAMILIES, MOST REOCCURRING PROBLEM IS THAT STORY PRISONER TELLS FAMILY OR STORY FAMILY GETS SECOND-HAND IS OFTEN QUITE DIFFERENT FROM ACTUAL HAPPENINGS. SOMETIMES PRISONER GAINS SYMPATHY OR ADDITIONAL FUNDS FROM PARENTS BY EXAGGERATING ILLNESSES OR PROBLEMS. IN OTHER INSTANCES, UNSCRUPULOUS ATTORNEYS CONTACT PRISONER ADVISING HIM THAT FOR CERTAIN SUM HE CAN OBTAIN PRISONER'S FREEDOM. ATTORNEY THEN CONTACTS PARENTS WHO IN TURN CALL CONOFF FOR CONFIRMATION. WE ARE THEN IN AWKWARD POSITION OF INFORMING FAMILY THAT THERE IS NO EASY WAY OUT, SPECIFICALLY NO BOND IN DRUG OFFENSES UNDER NEW LAW. ONLY REMEDY FOR THIS PROBLEM IS TO CONTINUE TO BEAR DOWN ON ATTORNEYS TO PLAY IT STRAIGHT WITH PRISONERS, EVEN THOUGH TELLING TRUTH OF HOPELESSNESS OF SITUATION MEANS LESS MONEY FOR ATTORNEY, AND TO TRY TO EDUCATE FAMILIES OF PRISONERS TO HARSH REALITY PRISONER'S SITUATION AND TO BE WARY OF COSTLY SCHEMES PRESENTED BY ATTORNEYS. OF THE APPROXIMATELY 60 U.S. PRISONERS IN OUR DISTRICT, ONLY ABOUT 10

REFUSE TO SEE THE CONOFF, SOME OF THEM DENYING THEY ARE AMERICANS,
OTHERS BEING DUAL NATIONALS WHO CONSIDER THEMSELVES MEXICANS AND
OTHERS, BEING WANTED IN THE U.S., PREFERRING NO CLOSE CONTACT WITH
U.S. OFFICIALS.
LAMBERT

UNCLASSIFIED

NNN

UNCLASSIFIED

PAGE 01 MONTER 00972 04 OF 05 172047Z

73

ACTION SCSE-00

INFO OCT-01 ARA-10 ISO-00 SCA-01 L-03 H-02 SS-15 NSC-05

DHA-02 SP-02 CIAE-00 INR-07 NSAE-00 /048 W

----- 074648

P 171700Z DEC 75

FM AMCONSUL MONTERREY

TO SECSTATE WASHDC PRIORITY 2168

INFO AMEMBASSY MEXICO PRIORITY

UNCLAS SECTION 4 OF 5 MONTERREY 0972

20. IF PRISONER UNWILLING SEE CONOFF, WE BELIEVE HE HAS A RIGHT
TO PRIVACY AND THIS DESIRE SHOULD BE RESPECTED. ONE METHOD OF
ENCORAGING WILLINGNESS PRISONER BE VISITED BY CONOFF IS TO SEND
MESSAGES THROUGH OTHER PRISONERS AND PRISON DIRECTOR THAT WE ARE
SOLICITOUS OF HIS WELFARE AND ARE AVAILABLE IF OUR SERVICES
NEEDED. ANOTHER METHOD IS TO SEND LETTER DIRECTLY TO PRISONER
STATING WE ARE SORRY PRISONER DID NOT WANT SEE US AND GIVING DATE
NEXT VISITATION WITH HOPE HE WILL APPEAR. IDEA MUST BE CONVEYED
TO PRISONER THAT CONOFF IS NOT THERE TO SPY ON HIM AND THAT OUR
CONCERN IN ENTIRELY HUMANITARIAN. HOWEVER, SOME PRISONERS, PARTI-
CULARLY THOSE CLAIMING ONLY MEXICAN CITIZENSHIP, WILL CONTINUE
REFUSE SEE CONOFF.

21. WHILE BULK OF TRAINING FOR PROTECTION WORK IS SPECIFIC AND
MUST BE LEARNED ON THE JOB, DEPT AS ORGANIZATION COULD DO MUCH
MORE. FOR EXAMPLE, AS OF OCT. 1973, MOST RECENT DATE WHEN ANY
CONOFF AT MONTERREY TOOK GENERAL CONSULAR COURSE AT FSI, PRI-
SONERS AND OUR CONSULAR OBLIGATIONS TO THEM WERE NOT ON AGENDA
FOR DISCUSSION OR STUDY. WE ASSUME THAT FSI BY THIS DATE
HAS CRANKED PRISONERS INTO CONSULAR COURSE. IN ADDITION CONSULAR
COURSE COULD DEVOTE HALF DAY TO STUDY VICIL LAW AND CONCEPTS.
THIS WOULD BE IMPORTANT FOR NEW JUNIOR OFFICERS, WHOSE TOTAL LEGAL

EXPERIENCE NORMALLY IS WITH COMMON LAW.

SPECIFIC TRAINING SUGGESTIONS FOR MEXICO ARE THAT CONOFFS ASSIGNED TO PROTECTION WORK RECEIVE FULL BRIEFING IN DEPT BEFORE DEPARTURE. WITHIN TWO WEEKS OF ARRIVAL AT POST, BE SENT TO EMBASSY ON CONSUL-UNCLASSIFIED

UNCLASSIFIED

PAGE 02 MONTER 00972 04 OF 05 172047Z

TATIONS FOR SEVERAL DAYS OF BRIEFING, INCLUDING SOME TRAINING IN MEXICAN LEGAL TERMINOLOGY AND CONCEPTS. IT SHOULD BE FRANKLY STATED THAT DEPT AS ORGANIZATION HAS BEEN SLOW IN RESPONDING TO PRISONER SITUATION IN PROVIDING INCREASED STAFFS. FOR EXAMPLE, 13 MONTHS AFTER MONTHLY VISITATIONS WERE INSTRUCTED AND 11 MONTHS AFTER REQUESTING ADDITIONAL SCS CONOFF POSITION, THAT OFFICER WILL ARRIVE IN JANUARY, 1976. IN ORDER DO FIRST-RATE PRISONER JOB THIS POST, ONE EXPERIENCED OR MIDDLE-GRADE OFFICER AND TWO FSL EMPLOYEES SHOULD BE ASSIGNED TO PRISONER MATTERS ON FULL TIME BASIS. WHEN NEW CONOFF POSITION FOR SCS MATTERS IS FILLED IN JANUARY, WE WILL HAVE ADEQUATE OFFICER STAFF, BUT WE HAVE ONLY ONE FSL POSITION FOR PRISONER MATTERS. IF WE COULD BE AUTHORIZED ONE ADDITIONAL FSL POSITION FOR SUCH WORK, IT WOULD ASSIST TREMENDOUSLY. IN ADDITION, EARLY APPOINTMENT CONSULAR AGENTS, AS MENTIONED UNDER (1) AND (2) WOULD PROVIDE EFFECTIVE ASSISTANCE. AS RECENT CONSULAR CONFERENCE BROUGHT OUT, THERE IS NEED FOR SMALL AMOUNT OF FUNDS IN DEALING WITH PRISONER PROBLEMS. AS MATTERS NOW STAND, THERE ARE NO FUNDS FOR MEDICAL EXAMINATIONS WHEN BRUTALITY IS ALLEGED, OR FOR MEDICINE ON EMERGENCY BASIS OR OTHER MATTERS. WHILE THERE IS SIZABLE AMERICAN COMMUNITY IN MEXICO CITY, MOST POSTS, INCLUDING MONTERREY, DO NOT HAVE LARGE AMERICAN COMMUNITY ON WHICH TO DRAW FOR FUNDS FOR PRISONERS.

23. MUCH COULD BE DONE TO AMELIORATE BASIC PRISONER WELFARE PROBLEM IF GOM COULD BE PERSUADED TO INCREASE FUNDS ALLOTTED TO STATES FOR CARE OF FEDERAL PRISONERS. MANY STATE OFFICIALS, WHO SUPERVISE THE PRISONS, DO CARE AND DO TRY TO BE HELPFUL, BUT ARE SEVERELY HAMPERED BY LACK OF FUNDS. USG MIGHT WISH TO CONSIDER EXPLORING WITH GOM THE DESIRABILITY OF INCREASING ALLOTMENT FOR FEDERAL PRISONERS IN THE STATE PENITENTIARIES, NOT ONLY FOR SUBSISTENCE BUT FOR MEDICAL AND DENTAL CARE. INCREASED FUNDS WOULD HAVE TO BENEFIT BOTH MEXICAN AND AMERICAN PRISONERS SINCE WE SHOULD NOT ASK FOR PREFERENTIAL TREATMENT FOR AMERICANS, ESPECIALLY WHEN MANY OF THEM ARE IN PRISON AS RESULT OF COMBINED U.S.-MEXICAN ANTI-NARCOTICS EFFORTS.

24. U.S.G. ON ITS PART SHOULD TAKE FOLLOWING STEPS IMMEDIATELY TO IMPROVE SITUATION:

A. PROVIDE POSTS WITH FUNDS TO LOAN TO DETAINED AMERICANS TO PAY FOR A TRANSLATOR AT TIME OF INTERROGATION. MOST MEXICAN UNCLASSIFIED

UNCLASSIFIED

PAGE 03 MONTER 00972 04 OF 05 172047Z

POLICE UNITS DO NOT HAVE COMPETENT ENGLISH INTERPRETER OR TRANSLATOR FOR INTERROGATIONS, NOR THE FUNDS TO HIRE ONE. PRESENCE OF TRANSLATOR WOULD ENSURE MORE ACCURATE INITIAL DECLARATIONS, LESSEN LIKELIHOOD OF BRUTALITY AND PROVIDE ANOTHER SOURCE OF EARLY NOTIFICATION.

B. PROVIDE POSTS WITH FUNDS TO BE LOANED TO PRISONERS ON EMERGENCY BASIS FOR LIMITED MEDICAL AND DENTAL CARE, INCLUDING HIRING OF A DOCTOR FOR PHYSICAL EXAMINATIONS WHEN TIMELY ALLEGATIONS OF BRUTALITY ARE MADE.

C. APPOINT CONSULAR AGENTS AT KEY OUTLYING CITIES AS RECOMMENDED BY THE EMBASSY.

D. ELIMINATE THE CURRENT MONTHLY PRISON VISITATION REQUIREMENT AND ALLOW THE POSTS MORE DISCRETION RE FREQUENCY OF PRISON VISITATIONS.
LAMBERT

UNCLASSIFIED

NNN

UNCLASSIFIED

PAGE 01 MONTER 00972 05 OF 05 172050Z

73

ACTION SCSE-00

INFO OCT-01 ARA-10 ISO-00 SCA-01 L-03 H-02 SS-15 NSC-05

DHA-02 SP-02 CIAE-00 INR-07 NSAE-00 /048 W

----- 074690

P 171815Z DEC 75

FM AMCONSUL MONTERREY

TO SECSTATE WASHDC PRIORITY 2169

INFO AMEMBASSY MEXICO PRIORITY

UNCLAS SECTION 5 OF 5 MONTERREY 0972

WE CONSIDER IT A WASTE OF OFFICER TIME AND U.S. TAXPAYERS' MONEY TO VISIT THE PENALS AT SAN LUIS POTOSI, TAMPICO AND DURANGO ON A MONTHLY BASIS AT THE PRESENT TIME. WE CAN DO NOTHING FOR THE PRISONERS THERE AT THE MOMENT. BI-MONTHLY VISITS TO THOSE DISTANT PENALS WOULD BE QUITE SUFFICIENT IN PRESENT CIRCUMSTANCES AND WOULD PERMIT PROTECTION OFFICER TO CONCENTRATE GREATER EFFORT

ON THE REAL TROUBLE SPOTS, SUCH AS SALTILLO, PIEDRAS NEGRAS AND TORREON.

E. ENSURE THAT CONSULAR OFFICERS ASSIGNED TO MEXICO FOR PROTECTION WORK ARE BETTER THAN AVERAGE OFFICERS WITH PROTECTION EXPERIENCE AND ADEQUATE WORKING PROFICIENCY IN SPANISH; ALSO WITH SUFFICIENT BRIEFING ON JOB BEFORE ARRIVAL AT POST. IT TAKES A VERY SPECIAL TYPE OF OFFICER TO BE EFFECTIVE WITH PRISONERS AND WITH MEXICAN PENAL AND JUDICIAL OFFICIALS, AND THIS SHOULD BE KEPT IN MIND WHEN ASSIGNING OFFICERS TO THIS TYPE OF WORK IN MEXICO.

25. MEXICAN PRESS OUR DISTRICT OFTEN CRITICAL IN GENERAL TERMS REGARDING POLICE BRUTALITY AND POOR PRISON CONDITIONS, BUT HAS NOT OFFERED ANY SUGGESTIONS FOR IMPROVEMENT. CONGRESSIONAL HEARINGS HAVE RECEIVED PRESS COVERAGE, BUT MOSTLY STRAIGHT WIRE SERVICE REPORTING WITHOUT LOCAL COMMENT.

26. WHILE PRISONER PROBLEM, ESPECIALLY AS RELATED TO DRUG TRAFFICKERS, IS NOT YET A POPULAR CAUSE AMONG MONTERREY AMERICAN COMMUNITY, ONLY ONE ANY SIZE IN OUR DISTRICT, WE HAVE RECEIVED ASSISTANCE IN ARRANGING CHRISTMAS DINNERS, USED CLOTHING AND UNCLASSIFIED

UNCLASSIFIED

PAGE 02 MONTER 00972 05 OF 05 172050Z

READING MATERIAL. TO DATE WE HAVE NOT HAD ANY CONTINUING VOLUNTEER WORK IN CONJUNCTION WITH CONGEN EFFORTS. THOSE WHO DO ASSIST PREFER TO DO SO PRIVATELY AND QUIETLY.

27. FOR OTHER SUGGESTIONS REGARDING MEASURES WHICH MIGHT BE TAKEN, SEE MONTERREY 0973 WHICH FOLLOWS.
LAMBERT

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 17 DEC 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975MONTER00972
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750439-0101
From: MONTERREY
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19751232/aaaabbtv.tel
Line Count: 581
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION SCSE
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 11
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 75 STATE 267921
Review Action: RELEASED, APPROVED
Review Authority: KelleyW0
Review Comment: n/a
Review Content Flags:
Review Date: 26 NOV 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <26 NOV 2003 by ReddocGW>; APPROVED <12 JAN 2004 by KelleyW0>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: COMMENTS ON AMERICAN PRISONER SITUATION IN CONSULAR DISTRICT MONTERREY
TAGS: CASC, MX, US
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006